

HIGH COURT OF CHHATTISGARH, BILASPUR

Criminal Revision No. 359 of 2008

Bhuneshwar Prasad Verma, S/o. Late Manbodh Verma, Aged about 42 years, R/o. Kachna Chouki, Vidhan Sabha, Police Station Dharsiwa, Tahsil and District Raipur (C.G.)

---- Applicant

Versus

State of Chhattisgarh, Through District Magistrate Raipur District Raipur (C.G.)

---- Respondent

For Applicant : Ms. Madvi Bhardwaj, Advocate
For Respondent : Mr. Aman Kesharwani, Panel Lawyer

Hon'ble Smt. Justice Vimla Singh Kapoor

Order on Board

10.04.2019

On 29.06.2006 FIR (Ex.P-5) was lodged by complainant Shivkumar (PW-1) alleging that the quarrel took place between the applicant and him regarding disconnecting of the pipe. On account of dispute, the applicant assaulted on the head of complainant with sickle and he received the injuries on his head. After completion of investigation, charge sheet was filed against him under Section 324 IPC and charge was framed accordingly.

2. By the judgment dated 25.04.2008 learned trial Court convicted the accused/applicant under Section 324 IPC and sentenced him to undergo RI for 1 year with fine of Rs.1000/-,

which in appeal has also been affirmed vide judgment impugned. Hence, this revision.

3. Counsel for the applicant/accused does not assail the conviction part of the judgment impugned and his only request is that looking to the incident being quite old and also considering the fact that he has remained under detention of 10 days, the jail sentence imposed on him may be reduced to the period already undergone and thereby protect his well settled family life from being up-rooted at this stage. State counsel, however, supports the judgment impugned.

4. Having gone through the material on record in particular the evidence of PW-1, PW-2, PW-3 clearly indicating the involvement of the applicant in the crime in question where he caused injuries to the victim with a hard and sharp edged weapon, this Court is of the considered opinion that the prosecution has proved its case as required under the law. So also the Court below too has stuck to the material on record while convicting the accused/applicant as described above. No infirmity is looking in the conviction part of the judgment impugned and it is maintained as such.

5. However, looking to the fact that the incident had taken place in the year 2006 and thereby more than 13 years have passed by, and further that the accused/applicant has already remained inside the jail about 10 days, this Court thinks it proper to reduce the sentence imposed on him to the period already undergone, so that his already settled family life is not landed to crises. In lieu of this, the applicant however, would be required to

pay an enhanced sum of fine of Rs. 2000/- from that of Rs. 1000/-. Let this amount be deposited by the accused/applicant in the trial Court within a period of two months from today. Order accordingly.

6. With the above, the revision stands allowed in part.

Sd/-
(Vimla Singh Kapoor)
JUDGE

Santosh